

Report: CZR0026 v18.0

33RD JUDICIAL CIRCUIT  
MISSISSIPPI  
CIRCUIT COURT DOCKET SHEET

Date: 23-Mar-2021  
Time: 9:21:57AM  
Page: 1

**21MI-CV00092 ANGELA ABNER V CASEY'S GENERAL STORE Security Level: 1 Public**

**Case Type:** CC Pers Injury-Other **Case Filing Date:** 01-Mar-2021  
**Status:** Pet Filed in Circuit Ct  
**Disposition:** **Disposition Date:**

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	DAVID ANDREW DOLAN (31945)		
Plaintiff	ANGELA SUE ABNER (ABNAS8734)		
REPRESENTED BY: Attorney for Plaintiff	ANDREW R TARRY (53061)		
Defendant	CASEY'S GENERAL STORE (@76157)		

<u>Filing Date</u>	<u>Description</u>
01-Mar-2021	<b>Judge Assigned</b> <b>Pet Filed in Circuit Ct</b> PETITION. <b>Filed By:</b> ANDREW R TARRY <b>On Behalf Of:</b> ANGELA SUE ABNER <b>Filing Info Sheet eFiling</b> <b>Filed By:</b> ANDREW R TARRY
02-Mar-2021	<b>Summons Issued-Circuit</b> Document ID: 21-SMCC-65, for CASEY'S GENERAL STORE. <b>Service/Attempt Date:</b> 13-Mar-2021
22-Mar-2021	<b>Certificate of Service</b> Certificate of Service - Summons. <b>Filed By:</b> ANDREW R TARRY <b>On Behalf Of:</b> ANGELA SUE ABNER <b>Summons Personally Served</b> Document ID - 21-SMCC-65; Served To - CASEY'S GENERAL STORE; Server - SO MISSISSIPPI CO-CHARLESTON; Served Date - 13-MAR-21; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served
23-Mar-2021	<b>Correspondence Filed</b> Request for copies. <b>Correspondence Sent</b> Copies sent.

**21MI-CV00092**

Electronically Filed - Mississippi - March 01, 2021 - 03:42 PM

IN THE CIRCUIT COURT OF MISSISSIPPI COUNTY, MISSOURI

ANGELA ABNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.:
	)	
CASEY'S GENERAL STORE	)	
605 W. Washington St.	)	
East Prairie, MO 63845,	)	
	)	
Defendant.	)	

**PETITION**

COMES NOW, Plaintiff, Angela Abner, by and through her attorney, Andrew R. Tarry of the Tarry Law Firm, L.L.C., for her cause of action against Defendant, Casey's General Store, states and alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. This cause of action arose, and the events and injuries herein alleged occurred, at 605 W. Washington St., East Prairie, Missouri.

**CAUSE OF ACTION**

2. The Defendant is a benevolent corporation and property owner of said location; organized and existing under the laws of the state and engaged in the business of operating a full-service convenience / general store.
3. At the time of incident, Plaintiff was an approved patron of said convenience / general store.

4. On or about January 31, 2020, Plaintiff slipped and fell on a "rolled" mat outside of the main entrance / exit upon leaving the establishment.
5. Defendant knew, or by the use of ordinary care should have known, of the dangerous and hazardous condition of the mat outside of the main entrance / exit of their facility.
6. At all times relevant hereto, it remained the duty of Defendant to use ordinary care in the maintenance of said mat / entryway to provide a reasonably safe condition to all patrons of the establishment, free from dangers and hazards; and further required of the Defendant to provide ample notice or warning when such dangerous and hazardous conditions did exist.
7. Defendant breached its duty of care by:
  - a. Failing to properly inspect / maintain said condition and/or assure secure placement of said mat directly in front of the main entryway / exit of the establishment.

#### **DAMAGES**

8. As a direct and proximate result of the negligence of Defendant, Plaintiff sustained injuries including, but not limited to, a fracture of the left wrist, requiring surgical repair, multiple contusions and abrasions and substantial scarring.
9. Plaintiff required related EMS emergency medical care and transport by Mississippi County Ambulance District.
10. Plaintiff required related multiple Emergency Medical treatments at Missouri Delta Medical Center Emergency Department.

11. Plaintiff required multiple related medical treatments at Missouri Delta Medical Center Express.
12. Plaintiff required multiple related medical treatments with primary care physician, Dr. Dansby, FNP of Cape Family Medical Clinic, LLC.
13. Plaintiff required multiple related specialty medical care treatments with Orthopedic Specialist, Dr. Lents, MD of Saint Francis Advanced Orthopedics Specialists.
14. On or about February 13, 2020, Plaintiff required related Left Wrist Open Reduction Internal Fixation Surgical Repair at Saint Francis Medical Center.
15. Plaintiff required multiple related medical treatments with primary care physician, Dr. Griesemer, MD of MDMC Charleston Community Care Center.
16. Plaintiff required related in-home care through Bootheel In-home Care from February 2020 to December 2020.
17. Plaintiff has suffered related medical expenses in the amount of or exceeding \$41,004.79.
18. Plaintiff's above injuries are and were severe, permanent and progressive in nature, character and extent. Prior to Plaintiff's aforementioned slip and fall accident, said Plaintiff was without said impairments and disability. She has suffered, is suffering and will continue to suffer great physical and mental pain. Plaintiff is physically impaired now and will be in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:

1. General damages in an amount excess of \$25,000.00;
2. Medical and related expenses;
3. Legal fees and costs of this action; *and*
4. Any other and further relief that the court deems proper.

Respectfully Submitted,

TARRY LAW FIRM, L.L.C.

/s/ Andrew R. Tarry

**Andrew R. Tarry – No. 53061**

815 Independence Street

Cape Girardeau, Missouri 63703

Telephone 573-651-8644

Facsimile 573-651-8636

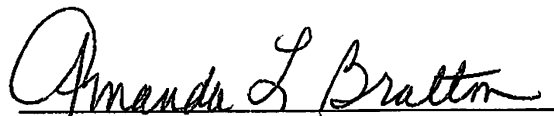
Attorney for Plaintiff

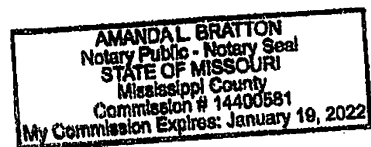
STATE OF MISSOURI                     )  
  ) SS.  
COUNTY OF CAPE GIRARDEAU        )

Angela Abner, being first duly sworn upon her oath, states that she is the Plaintiff named above, and that the facts and matters contained therein are true and correct according to the best of her knowledge, information, and belief.

  
Angela Abner - Plaintiff

Subscribed and sworn to before me in the county and state above mentioned this 24<sup>th</sup> day of February, 2021.

  
Notary Public





IN THE 33RD JUDICIAL CIRCUIT, MISSISSIPPI COUNTY, MISSOURI

Judge or Division: DAVID ANDREW DOLAN	Case Number: 21MI-CV00092
Plaintiff/Petitioner: ANGELA SUE ABNER	Plaintiff's/Petitioner's Attorney/Address ANDREW R TARRY 815 INDEPENDENCE CAPE GIRARDEAU, MO 63701
Defendant/Respondent: CASEY'S GENERAL STORE	Court Address: P.O. BOX 369 CHARLESTON, MO 63834
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons in Civil Case**

The State of Missouri to: **CASEY'S GENERAL STORE**  
Alias:

605 W. WASHINGTON ST.  
EAST PRAIRIE, MO 63845

**COURT SEAL OF**  
  
**MISSISSIPPI COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

MARCH 2, 2021                      /S/ JESSICA DRINKWATER  
Date                                      Deputy Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server                      Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)                      My commission expires: \_\_\_\_\_ Date                      Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

*Return*



IN THE 33RD JUDICIAL CIRCUIT, MISSISSIPPI COUNTY, MISSOURI

Judge or Division: DAVID ANDREW DOLAN	Case Number: 21MI-CV00092	RECEIVED MAR 11 2021  (Date File Stamp)
Plaintiff/Petitioner: ANGELA SUE ABNER	Plaintiff's/Petitioner's Attorney/Address ANDREW R TARRY 815 INDEPENDENCE CAPE GIRARDEAU, MO 63701	
Defendant/Respondent: CASEY'S GENERAL STORE	Court Address: P.O. BOX 369 CHARLESTON, MO 63834	
Nature of Suit: CC Pers Injury-Other		

Summons in Civil Case

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**Alias:**  
 605 W. WASHINGTON ST.  
 EAST PRAIRIE, MO 63845

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 MISSISSIPPI COUNTY

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MARCH 2, 2021 /S/ JESSICA DRINKWATER  
 Date Deputy Clerk

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other: \_\_\_\_\_

Served at 605 W. Washington (address)  
 in Mississippi/East Prairie (County/City of St. Louis), MO, on 3/13/21 (date) at 2045 (time).

Patrick Smith  
 Printed Name of Sheriff or Server

[Signature]  
 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

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356